# IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

CALEB BARNETT, et al.,

Plaintiffs,

VS.

KWAME RAOUL, et al.,

Defendants.

Case No. 3:23-cv-209-SPM \*\* designated Lead Case

DANE HARREL, et al., Plaintiffs,

VS.

V 5.

KWAME RAOUL, et al.,

Defendants.

Case No. 3:23-cv-141-SPM

JEREMY W. LANGLEY, et al., Plaintiffs,

,

VS.

BRENDAN KELLY, et al.,

Defendants.

Case No. 3:23-cv-192-SPM

FEDERAL FIREARMS

LICENSEES OF ILLINOIS, et al.,

Plaintiffs,

VS.

JAY ROBERT "JB" PRITZKER, et al.,

Defendants.

Case No. 3:23-cv-215-SPM

# PLAINTIFFS' INDENTIFICATION OF MATERIALS FOR POST-TRIAL SUBMISSIONS

Plaintiffs, by undersigned counsel, identify the following materials that they may cite in their post-trial submissions, i.e., proposed Findings of Fact and Conclusions of Law, which are currently due thirty (30) days after the close of the live testimony trial scheduled to begin on September 16, 2024. The purpose of this disclosure is to identify additional materials on which the Court may base its ultimate findings, aside from those materials that are already entered onto the record in this case via the Court's ECF/CM docket and/or are anticipated to be entered onto the record as part of the upcoming trial. Plaintiffs have not included statutes, cases, or other similar

sources, but Plaintiffs of course reserve the right to cite such sources in any post-trial submission.

Based upon information presently and reasonably available to Plaintiffs, the following materials are those that Plaintiffs may use to support their claims and/or rebut the Defendants' positions advanced in the parties' post-trial submissions. All of these materials relate to "legislative facts" over which this Court's review is not limited by the Federal Rules of Evidence. See Fed. R. Evid. 201, 1972 Advisory Committee Note. The materials listed below include citations to access the materials at publicly available databases, and hyperlinks where available. The parties have also exchanged many of these materials in discovery if not easily accessible online.

Finally, Plaintiffs have not received a list of legislative facts from the Defendants for their post-trial submissions, and thus Plaintiffs reserve the right to object to all or part of Defendants' list, supplement this submission, and/or respond with additional legislative facts as part of the post-trial submissions.

## **Textbooks and Treatises**

- 1. Henry Campbell Black, Handbook of American Constitutional Law (1895)
- 2. 1 William Blackstone, Commentaries on the Laws of England
- 3. Thomas M. Cooley, *The General Principles of Constitutional Law* (2d ed. 1891)
- 4. Nicholas J. Johnson et al., Firearms Law and the Second Amendment: Regulation, Rights and Policy (3d ed. 2021)

## **Academic Articles**

- 1. Wm. Alan Bartley & Geoffrey Fain Williams, *What Is an Assault Weapon? Definitions, Attributes, and Implications Regarding Legislation*, 57 Gonz. L. Rev. 515 (2022)
- 2. David G. Browne, *Treating the Pen and the Sword As Constitutional Equals: How and Why the Supreme Court Should Apply Its First Amendment Expertise to the Great Second Amendment Debate*, 44 Wm. & Mary L. Rev. 2287 (2003)
- 3. Dennis Chapman, *Firearms Chimera: The Counter Productive Campaign to Ban the AR-15 Rifle*, 8 Belmont L. Rev. 191 (2020)

- 4. Robert H. Churchill, *Forum: Rethinking the Second Amendment*, 25 L. & Hist. Rev. 139 (2007)
- 5. Grant Duwe, *Patterns and Prevalence of Mass Violence*, 2019 J. Crim. & Pub. Pol'y 1 (2019), https://bit.ly/3ovd19A
- 6. William English, 2021 National Firearms Survey: Analysis of Magazine Ownership and Use (May 4, 2023), https://bit.ly/3SUdKhD
- 7. William English, 2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned (Sept. 28, 2022), https://bit.ly/3yPfoHw
- 8. Martin L. Fackler, Gunshot Wound Review, 28 Annals of Emergency Med. 194 (Aug. 1996)
- 9. Martin L. Fackler, *Questions and Comments*, 5 Wound Ballistics Rev. 5 (Fall 2001)
- 10. Martin L. Fackler, Wound Profiles, 5 Wound Ballistic Rev. 25 (Fall 2001)
- 11. Martin L. Fackler, *Civilian Gunshot Wounds and Ballistics: Dispelling the Myths*, 16 Emerg. Med. Clin. North Am. 17 (1998)
- 12. James Alan Fox & Monica DeLateur, *Mass Shootings in America: Moving Beyond Newton*, 18 Homicide Studies 125 (2013)
- 13. Joseph W. Galvin et al., Rate and time to return to shooting following arthroscopic and open shoulder surgery, 6 JSES Int'l 968 (2022)
- 14. Joseph G.S. Greenlee, *The American Tradition of Self-Made Arms*, 54 St. Mary's L.J. 35 (2023)
- 15. James B. Jacobs, Why Ban "Assault Weapons"?, 37 Cardozo L. Rev. 681 (2015)
- 16. Nicholas J. Johnson, Supply Restrictions at the Margins of Heller and the Abortion Analogue: Stenberg Principles, Assault Weapons, and the Attitudinalist Critique, 60 Hastings L.J. 1285 (2009)
- 17. Louis Klarevas, Letter to the editor re: DiMaggio, C., et al., "Changes in U.S. mass shooting deaths associated with the 1994-2004 federal assault weapons ban": Analysis of open-source data, J. of Trauma & Acute Care Surgery 86, no. 5 (2019)
- 18. Gary Kleck, *Crime Control Through the Private Use of Armed Force*, 35 Soc. Probs. 1 (1988)
- 19. Gary Kleck, Large-Capacity Magazines and the Casualty Counts in Mass Shootings: The Plausibility of Linkages, 17 J. Res. & Pol'y 28 (2016)
- 20. Gary Kleck & Marc Gertz, Armed resistance to crime: The prevalence and nature of self-defense with a gun, 86 J. Crim. L. & Crim'y 150 (1995)
- 21. David B. Kopel, *Rational Basis Analysis of "Assault Weapon" Prohibitions*, 20 J. Contemp. L. 381 (1994)
- 22. David B. Kopel, *Does the Second Amendment Protect Firearms Commerce?*, 127 Harv. L. Rev. F. 230 (2014)
- 23. David B. Kopel, *The History of Firearm Magazines and Magazine Prohibitions*, 78 Alb. L. Rev. 849 (2015)
- 24. David B. Kopel, Clayton E. Cramer & Joseph Edward Olson, *Knives and the Second Amendment*, 47 U. Mich. J.L. Reform 167, 187 (2013)
- 25. David B. Kopel & Joseph G.S. Greenlee, *The Second Amendment Rights of Young Adults*, 43 S. ILL. U.L.J. 495 (2019)

- 26. David B. Kopel & Joseph G.S. Greenlee, *The History of Bans on Types of Arms Before 1900*, J. on Legis. (2024, forthcoming), https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=4393197
- 27. David B. Kopel & Stephen P. Halbrook, *Tench Coxe and the Right to Keep and Bear Arms in the Early Republic*, 7 Wm. & Mary Bill Rts. J. 347 (1999)
- 28. Christopher S. Koper, Assessing the Potential to Reduce Deaths and Injuries from Mass Shootings Through Restrictions on Assault Weapons and Other High-Capacity Semiautomatic Firearms, 19 Crim'y & Pub. Pol'y 147 (2020)
- 29. Robert Leider, Federalism and the Military Power of the United States, 73 Vand. L. Rev. 989 (2020)
- 30. Robert Leider, *Deciphering the "Armed Forces of the United States"*, 57 Wake Forest L. Rev. 1195 (2022)
- 31. Carlisle E. Moody, *Firearms and the Decline of Violence in Europe: 1200-2010*, 9 Rev. Eur. Stud. 53 (2017)
- 32. Daniel Peabody, *Target Discrimination: Protecting the Second Amendment Rights of Women and Minorities*, 48 Ariz. St. L.J. 883 (2016)
- 33. Peter M. Rhee, et al., *Gunshot wounds: A review of ballistics, bullets, weapons, and myths*, 80 J. Trauma Acute Care Surg. 853 (2016)
- 34. Gary K. Roberts, The Wounding Effects of 5.56mm/.223 Law Enforcement General Purpose Shoulder Fired Carbines Compared with 12 GA. Shotguns and Pistol Caliber Weapons Using 10% Ordnance Gelatin as a Tissue Simulant, 3 Wound Ballistics Rev. 16 (1998)
- 35. Babak Sarani, et al., Wounding Patterns Based on Firearm Type in Civilian Public Mass Shootings in the United States, 228 J. Amer. Coll. Surgeons 228 (March 2019)
- 36. Mark W. Smith, What Part of 'In Common Use' Don't You Understand?: How Courts Have Defied Heller in Arms-ban Cases—Again (June 18, 2023), https://bit.ly/42OrITT
- 37. R.B. Stark, Surgical Care of the Confederate States Army, 10 U.S. Armed Forces Med. J. 50 (1959)
- 38. Panagiotis K. Stefanopoulos et al., Wound Ballistics of Firearm-Related Injuries—Part 1: Missile Characteristics and Mechanisms of Soft Tissue Wounding, 43 Int'l J. Oral & Maxillofacial Surgery 1445 2014)
- 39. Panagiotis K. Stefanopolous, et al., Wound Ballistics of Military Rifle Bullets: An Update on Controversial Issues and Associated Misconceptions, 87 J. Trauma Acute Care Surg. 690 (2019)
- 40. E. Gregory Wallace, "Assault Weapon" Lethality, 88 Tenn. L. Rev 1 (2020)
- 41. E. Gregory Wallace, "Assault Weapon" Myths, 43 S. Ill. U. L.J. 193 (2018)
- 42. Daniel W. Webster et al., Evidence Concerning the Regulation of Firearms Design, Sale, and Carrying on Fatal Mass Shootings in the United States, 19 Crim'y & Pub. Pol'y 171 (2020)

# **Government Produced Sources**

1. Mariel Alper & Lauren Glaze, *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates*, 2016, U.S. Dep't of Just., Off. of Just. Progs., Bur. of Just. Stats. (Jan. 2019), https://bit.ly/31VjRa9

- 2. Grace Kena & Jennifer L. Truman, *Trends and Patterns in Firearm Violence*, 1993-2018, Bur. of Jus. Stat. Special Rep. (Apr. 2022), https://bit.ly/3ojUJYS
- 3. Christopher S. Koper et al., *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets & Gun Violence, 1994-2003*, Rep. to the Nat'l Inst. of Justice (2004), https://bit.ly/3wUdGRE
- 4. William J. Krouse, Cong. Res. Serv., *How Many Guns Are in the United States? Number* (2012)
- 5. William J. Krouse & Daniel Richardson, Cong. Rsch Serv., *Mass Murder with Firearms: Incidents and Victims*, 1999-2013 (2015)
- 6. Dep't of the Army, TC 3-22.9, Rifle and Carbine (May 2016), https://bit.ly/4dZT0ws
- 7. Centers for Disease Control and Prevention, First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws. Findings from the Task Force on Community Preventative Services, Morbidity and Mortality Weekly Reports (RR14), October 3, 2003
- 8. Expanded Homicide Offense Characteristics in the United States, FBI Crime Data Explorer (2023), https://bit.ly/3yPfoHw
- 9. Expanded Homicide Data Table 8: Murder Victims by Weapon, 2015-2019, Crime in the United States, Fed. Bureau of Investigation, U.S. Dep't of Just. (2019), https://bit.ly/31WmQ1V
- 10. 2019 Crime in the United States (2019), Fed. Bureau of Investigation, U.S. Dep't of Just. https://tinyurl.com/2tnwa5yu
- 11. Illinois State Police, Statistics, https://isp.illinois.gov/Foid/Statistics
- 12. Illinois State Police, *PICA Endorsement Affidavits*, https://isp.illinois.gov/StaticFiles/docs/Foid/Endorsements%20per%20County.pdf
- 13. NASA, 120 Years Ago: The First Powered Flight at Kitty Hawk, https://tinyurl.com/385htnv4
- 14. Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles, Dep't of the Treasury: Bureau of Alcohol, Tobacco and Firearms (July 6, 1989), https://www.atf.gov/file/61761/download
- 15. *Rifle Marksmanship: M16-/M4-Series Weapons*, Dep't of the Army, FM 3-22.9 (Aug. 2008), https://bit.ly/3pvS3SW
- 16. U.S. Homicide Offense characteristics: Type of Weapon Involved by Offense, FBI Crime Data Explorer (2023), https://bit.ly/40NHSMC

#### **Books**

1. Gun Digest<sup>1</sup>

2. The Shooter's Bible, the World's Bestselling Firearms Reference<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> *Gun Digest* is updated regularly and publicly available in many editions. The Plaintiffs have already identified such material on their Exhibit List for trial.

<sup>&</sup>lt;sup>2</sup> *The Shooter's Bible* is updated regularly and is publicly available in many editions, including, for instance here, https://archive.org/details/shootersbible1090000unse/mode/2up.

- 3. Massad Ayood, The Complete Book of Handguns Magazine (2013)
- 4. M.L. Brown, Firearms in Colonial America: The Impact on History and Technology 1492–1792 (1980)
- 5. Dennis P. Chapman, *The AR-15 Controversy: Semiautomatic Rifles and the Second Amendment* 34 (2d ed. 2022)
- 6. C.J. Chivers, *The Gun* (2010)
- 7. Dwight B. Demeritt, Maine Made Guns and Their Makers (1997)
- 8. Vincent J.M. DiMaio, Gunshot Wounds: Practical Aspects of Firearms, Ballistics, and Forensic Techniques (2d ed. 1999)
- 9. Martin Dougherty, Small Arms Visual Encyclopedia (2011)
- 10. Jack Dunlap, American, British & Continental Pepperbox Firearms (1964)
- 11. Trevor Dupuy, The Evolution of Weapons and Warfare (1984)
- 12. Norm Flayderman, Flayderman's Guide to Antique American Firearms and Their Values (9th ed. 2007)
- 13. John F. Frag, Standard Catalogue of Civil War Firearms (2008)
- 14. Louis A. Garavaglia & Charles G. Woman, Firearms of the American West 1866-1894 (1984)
- 15. William Wellington Greener, *The Gun and Its Development* (Cassell & Co., 8th ed. 1907) (1881)
- 16. Stephen P. Halbrook, *The Founders' Second Amendment: Origins of the Right to Bear Arms* (2008)
- 17. Stephen P. Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Right* (2013)
- 18. Stephen P. Halbrook, *America's Rifle: The Case for the AR-15* (2024)
- 19. Harold E. Johnson, Small Arms Identification & Operation Guide (1980)
- 20. Gary Kleck, Targeting Guns: Firearms and their Control (1997)
- 21. Berkeley R. Lewis, Small Arms and Ammunition in the United States Service (1956)
- 22. Meriweather Lewis & William Clark, *The Journals of the Lewis & Clark Expedition* (Gary Moulton ed. 1990)
- 23. Frank Miniter, *The Future of the Gun* (2014)
- 24. John E. Parsons, The First Winchester: The Story of the 1866 Repeating Rifle (1955)
- 25. Harold L. Peterson, Arms and Armor in Colonial America 1526-1783 (1956)
- 26. Harold L. Peterson, The Treasury of the Gun (1962)
- 27. Herbert L. Osgood, The American Colonies in the Seventeenth Century (1904)
- 28. Jim Supica et al., Treasures of the NRA National Firearms Museum (2013)
- 29. Don Troiani, Don Troiani's Soldiers of the American Revolution (2007)
- 30. Robert A. Waters, Guns Save Lives: True Stories of Americans Defending Their Lives with Firearms (2002)
- 31. Harold F. Williamson, Winchester: The Gun that Won the West (1952)
- 32. R.L. Wilson, Winchester: An American Legend (1991)
- 33. Lewis Winant, Firearms Curiosa (1955)
- 34. Lewis Winant, Pepperbox Firearms (1952)

## Periodicals/News

- 1. Josh Allen, *Shooting Deemed Justifiable: Authorities Say Zach Peters Acted Lawfully When He Shot, Killed Three Intruders*, Am. Trib. (Ap. 3, 2017), https://tinyurl.com/4yvmwsbn
- 2. Aaron Blake, *Is it fair to call them "assault weapons"?*, Wash. Post (Jan. 17, 2013), https://www.washingtonpost.com/news/the-fix/wp/2013/01/17/is-it-fair-to-call-them-assault-weapons/
- 3. David French, *Texas Hero Reportedly Used His Own AR to Confront the Sutherland Springs Shooter*, Nat'l Rev. (Nov. 6, 2017) https://www.nationalreview.com/corner/texas-hero-reportedly-used-his-own-ar-confront-sutherland-springs-shooter/
- 4. Emily Guskin et al., *Why do Americans own AR-15s?*, Wash. Post (Mar. 27, 2023), https://wapo.st/3IDZG5I
- 5. Christopher Ingram, *There are more guns than people in the United States, according to a new study of global firearm ownership*, Wash. Post (June 19, 2018), https://www.washingtonpost.com/news/wonk/wp/2018/06/19/there-are-more-guns-than-people-in-the-united-states-according-to-a-new-study-of-global-firearm-ownership/
- 6. Glenn Kessler, *Biden's False Claim that the 2nd Amendment Bans Cannon Ownership*, Wash. Post (June 28, 2021), https://www.washingtonpost.com/politics/2021/06/28/bidens-false-claim-that-2nd-amendment-bans-cannon-ownership/
- 7. Hannah Leone, *Gun instructor uses AR-15 to stop attacker in Oswego: "He was half a breath away from getting his head blown off,"* Chi. Trib. (Mar, 1, 2018), https://www.chicagotribune.com/2018/03/01/gun-instructor-uses-ar-15-to-stop-attacker-in-oswego-he-was-a-half-a-breath-away-from-getting-his-head-blown-off/
- 8. David K. Li, *Pregnant Florida woman uses AR-15 to fatally shoot armed intruder*, NBCNews.com (Nov. 4, 2019), https://www.nbcnews.com/news/us-news/home-invader-fatally-shot-florida-pregnant-woman-ar-15-n1076026
- 9. Nancy Loo, *Man Armed With AR-15 Stops Attack By Neighbor in Oswego*, WGN9 (Feb. 27, 2018), https://wgntv.com/news/man-armed-with-ar-15-stops-attack-by-neighbor-in-oswego/
- 10. Austin Miller, *MCSO: 2 of 4 intruders dead, homeowner injured in home invasion*, Ocala Star Banner (July 10, 2019), https://www.ocala.com/story/news/crime/2019/07/11/mcso-2-of-4-intruders-dead-homeowner-injured-in-home-invasion/4715552007/
- 11. Michael J. Mooney, *The Hero of the Sutherland Springs Shooting Is Still Reckoning With What Happened That Day*, Texas Monthly (Nov. 2018), https://tinyurl.com/yact97dt
- 12. Garrett Pelican, *Deputies: 30 rounds fired from AR-15 in deadly Florida home invasion*, New4Jax.com (Apr. 17, 2018), https://www.news4jax.com/news/2018/04/17/deputies-30-rounds-fired-from-ar-15-in-deadly-florida-home-invasion/
- 13. Maxine Bernstein, From bowie knives to muskets and machine guns, historians testify in Measure 114 trial about America's gun history, regulations, The Oregonian (June 8, 2023), bit.ly/3p4qvdi
- 14. Kate Robertson, *New York Times Reports a Gain of 180,000 Digital Subscribers*, N.Y. Times (Aug. 3, 2022), https://nyti.ms/3H8bz3T

- 15. Joe Tacopino, *Pregnant Florida mom uses AR-15 to kill home intruder*, N.Y. Post (Nov. 4, 2019), https://nypost.com/2019/11/04/pregnant-florida-mom-uses-ar-15-to-kill-home-intruder/
- 16. Amelia Wynne, *Heavily pregnant mother uses an AR-15 to kill a home intruder after two men burst into her Florida home, pistol whipped her husband and grabbed their 11-year-old daughter*, Daily Mail (Nov. 4, 2019), https://tinyurl.com/3m6yzs6c
- 17. Avalon Zoppo, *Oklahoma Man Uses AR-15 to Kill Three Teen Home Intruders*, NBCNews.com (Mar. 28, 2017), https://www.nbcnews.com/news/us-news/oklahoma-man-uses-ar-15-kill-three-teen-home-intruders-n739541
- 18. Wash. Post Staff, Sept. 30-Oct. 11, 2022, *Washington Post-Ipsos poll of AR-15 owners* (Mar. 26, 2023), https://wapo.st/3KrUouy
- 19. Detroit Mom Fires Assault Rifle To Protect Family From Home Invaders, NewsOne (Feb. 20, 2014), https://tinyurl.com/yc659xtt
- 20. Gun shop owner shoots, kills man during attempted robbery, WIS News 10, (Aug. 9, 2012), https://www.wistv.com/story/19236842/gun-shop-owner-shoots-kills-man-during-attempted-robbery/
- 21. *Homeowner's son shoots, kills three would-be burglars*, Fox News (Mar. 27, 2017), https://www.foxnews.com/us/homeowners-son-shoots-kills-three-would-be-burglars
- 22. Investigators: 15-year-old son of deputy shoots burglary suspect, KHOU11 (June 29, 2010), https://www.khou.com/article/news/investigators-15-year-old-son-of-deputy-shoots-burglary-suspect/285-413200682
- 23. Police: Tallahassee homeowner shot 2 out of 4 home invasion suspects, all 4 charged, WTXL Tallahassee (May 24, 2019), https://www.wtxl.com/news/local-news/tpd-investigating-home-invasion-robbery
- 24. Santa Monica Owner Protects His Store With Guns Amid Looting, KCAL News, CBS L.A. (June 1, 2020), https://www.cbsnews.com/losangeles/news/santa-monica-owner-defends-his-store-with-guns-amid-looting/
- 25. Sutherland Springs Hero Honored At NRA Convention: 'He Had An AR-15 And So Did I', CBS Texas (May 4, 2018, 4:45 PM), https://tinyurl.com/5n899j8z

## **Miscellaneous**

- 1. Leonardo Antaris, *In the Beginning: Semi-Automatic Pistols of the 19th Century*, American Rifleman (Jan. 4, 2018)
- 2. Joseph P. Avery, *An Army Outgunned: Physics Demands a New Basic Combat Weapon*, Mil. Rev., July-Aug. 2012
- 3. Massad Ayoob, *The Rationale of the Automatic Rifle* (2001), https://www.backwoodshome.com/therationale-of-the-automatic-rifle/
- 4. Massad Ayoob, Why Good People Need Semiautomatic Firearms and 'High Capacity' Magazines: Part 1, Backwoods Home Magazine (Dec. 29, 2012)
- 5. Massad Ayoob, *The Necessity of high capacity magazines: How many rounds are needed* (Wilson Combat Channel)
- 6. Lt. Frank Borelli, *The Patrol Rifle Necessity*, Officer.Com (Apr. 18, 2019)

- 7. Phil Bourjaily, *The Best Duck Hunting Shotguns of 2023*, Field & Stream (updated Sept. 12, 2023), https://bit.ly/42nqTBX
- 8. Andrew L. Bresnan, *The Henry Repeating Rifle*, RareWinchesters.com (Aug. 17, 2007), https://www.rarewinchesters.com/articles/art\_hen\_00.shtml
- 9. Dave Campbell, *A Look Back at the Thompson Submachine Gun*, American Rifleman (Apr. 17, 2019), https://bit.ly/3ZlZL5y
- 10. Jillian B. Carr & Jennifer L. Doleac, *The geography, incidence, and underreporting of gun violence: new evidence using ShotSpotter data*, Brookings Inst. (Apr. 2016), https://www.brookings.edu/articles/the-geography-incidence-and-underreporting-of-gun-violence-new-evidence-using-shotspotter-data/
- 11. Chris Eger, *The Firearms of the American Colonial Militia, Pre-1776*, July 1, 2017, https://www.guns.com/news/2017/07/01/guns-of-the-greatest-revolution-ever
- 12. Brett Foote, *There Are Currently 16.1 Million Ford F-Series Pickups on U.S. Roads*, Ford Authority (Apr. 9, 2021), https://bit.ly/3GLUtaB
- 13. John Gramlich, *What the data says about gun deaths in the U.S.*, Pew Research Center (Feb. 3, 2022), https://www.pewresearch.org/fact-tank/2022/02/03/what-the-data-says-about-gundeaths-in-the-u-s/
- 14. Nelson Ireson, *25 best-selling cars of 2023, so far*, Kelley Blue Book (July 17, 2023), https://bit.ly/3rA8m8r
- 15. John Paul Jarvis, *The Girandoni Air Rifle: Deadly Under Pressure*, Guns.com (Mar. 15, 2011), https://www.guns.com/news/2011/03/15/the-girandoni-air-rifle-deadly-underpressure
- 16. Sarah Kollmorgen, *Chicago Criminals' Favorite Gunmakers: A Visual Ranking*, The Trace (Jan. 6, 2016), https://bit.ly/41tIDv7
- 17. David B. Kopel, *Defining "Assault Weapons"*, The Regulatory Review (Univ. of Pennsylvania). Nov. 14, 2018
- 18. David Kopel, *The Theoretical Lethality Index is useful for military history but not for gun control policy*, Reason.com (Nov. 1, 2022), https://reason.com/volokh/2022/11/01/the-theoretical-lethality-index-is-useful-for-military-history-but-not-for-gun-control-policy/
- 19. David Kopel, *Bowie Knife Statutes 1837-1899*, Reason.com (Nov. 20, 2022), https://bit.ly/3RNRpQD
- 20. David Kopel, *How powerful are AR rifles?*, Reason Mag. (Feb. 27, 2023) https://bit.ly/3t4Vh7g
- 21. Robert Leider, *Are Rifles Constitutionally Protected Arms?*, Standing His Ground (Apr. 16, 2024), https://bit.ly/445mc1h
- 22. Alan I. Leshner, *Priorities for Research to Reduce the Threat of Firearm-Related Violence*, Nat'l Resch. Council (2013), https://bit.ly/48ZYjcm
- 23. T. Logan Metesh, *When the Garand Became the Greatest Battle Implement*, HighCaliberHistory.com (Mar. 1, 2022), https://www.highcaliberhistory.com/post/when-thegarand-became-the-greatest-battle-implement
- 24. Charles Remberg, *Why one cop carries 145 rounds of ammo on the job*, Police1.com (Feb. 21, 2020), https://www.police1.com/officer-shootings/articles/why-one-cop-carries-145-rounds-of-ammo-on-the-job-clGBbLYpnqqHxwMq/
- 25. Lydia Saad, *What Percentage of Americans Own Guns?*, Gallup (Nov. 13, 2020), https://bit.ly/3MXF23N

- 26. Patrick Sauer, *The Story of the First Mass Shooting in U.S. History*, Smithsonian Magazine (Oct. 14, 2015), https://tinyurl.com/578szh6v
- 27. Rosanna Smart & Terry L. Schell, *Mass Shootings in the United States*, Rand Corp. (Apr. 15, 2021), https://bit.ly/3L9kzH4
- 28. Josh Sugarmann, *Assault Weapons and Accessories in America*, Violence Policy Center (1988), https://bit.ly/em5OW5V
- 29. Jacob Sullum, *Neither 'Capacity' Nor 'Power' Distinguishes 'Assault Weapons' From Other Firearms*, Reason (Oct. 31, 2018), https://reason.com/2018/10/31/neither-capacity-nor-power-distinguishes/
- 30. Jacob Sullum, *The Threat Posed by Gun Magazine Limits*, Reason (Jan. 13, 2016)
- 31. Lacey Wallace, *Mass Shootings are Rare—Firearm Suicides Are Much More Common, and Kill More Americans*, PBS (Mar. 30, 2021), https://to.pbs.org/3LlU8z9
- 32. James Wilson, *Of Crimes Against the Right of Individuals to Personal Safety*, in 2 Collected Works of James Wilson (K. Hall & M. Hall eds., 2007), https://tinyurl.com/2p8244t4
- 33. *Deal With Compromise: AR-15 Weight, Capability, and Balance*, The Everyday Marksman, https://www.everydaymarksman.co/equipment/ar15-weight-balance-durability/
- 34. The Heritage Foundation, *Defensive Gun Uses in the U.S.* (Updated Aug. 8, 2024), https://tinyurl.com/446h69nz
- 35. World Atlas, *U.S. States By Population* (last visited Aug. 28, 2024), https://tinyurl.com/ms5tfsu3 (data taken from U.S. Census Bureau, June 2023)
- 36. Newspapers Fact Sheet, Pew Research Center (June 29, 2021), https://pewrsr.ch/3CNXFS1.
- 37. Crime Prevention Research Center, Ten Cases Over The Last Few Years Where People Have Had To Fire Ten Or More Shots In Self Defense (Oct. 22, 2020)
- 38. G. Halek, Houston Concealed Carriers Unload on Armed Muggers -- Why We Travel in Packs, Concealed Nation (Dec. 21, 2015), https://perma.cc/X33S-89KZ
- 39. Gus G. Sentementes & Julie Bykowicz, *Documents Detail Cross Keys Shooting*, Balt. Sun (Mar. 21, 2006)
- 40. Jewelry Store Burglarized, Scene of Deadly 1994 Robbery Attempt, nbc12.com (2012)
- 41. 7 Journals of the Continental Congress 1774-1789 (1907).
- 42. 1898 Sears, Roebuck & Co., *Our Line of Winchester Repeating And S. S. Rifles*, Catalogue No. 107, https://shorturl.at/cgRV7
- 43. 1911 Models for Sale Online, GunBroker.com, https://www.gunbroker.com/c/a/1911-models/
- 44. *A Revolution in Arms: Weapons in the War for Independence*, The Am. Revolution Inst. of The Soc'y of the Cincinnati, Oct. 11, 2018 Mar. 24, 2019, https://www.americanrevolutioninstitute.org/exhibition/a-revolution-in-arms/
- 45. Albert Einstein, *Ist die Traghet eines Korpers von seinem Energieinhalt abhangig?* (Does the Inertia of a Body Depend Upon Its Energy Content), Annalen der Physik, 323(13) (1905).
- 46. Joseph Belton, Letter to the Continental Congress, Apr. 11, 1777, in Papers of the Continental Congress, Compiled 1774-1789, vol. 1 A-B, at 139
- 47. Oliver F. Winchester's letter to R.S. Lawrence, dated 10 February 1871, McCracken Research Library, MS20, Box 51, Folder 5 & 6.
- 48. Austro-Hungarian Army, Ferdinand Ritter von Mannlicher, https://shorturl.at/imrO0
- 49. Br. of Amici Curiae Violence Policy Center, et al., *District of Columbia v. Heller*, No. 07-290 (U.S. Jan. 11, 2008)

- 50. Br. of State of Illinois as Amicus Curie, *Viramontes, v. Cook County*, No. 24-1437 (7th Cir.), Dkt.27
- 51. Facts and Figures: The Human Toll, U.C. Davis Health, https://bit.ly/43SBQww
- 52. The Federalist No. 29 (Hamilton)
- 53. The Federalist No. 46 (Madison)
- 54. *The Federalist* No. 44 (Madison)
- 55. Fourth-Quarter 2020 Sales, Ford (Dec. 2020), https://ford.to/3H87Y5T
- 56. Ford, *Company Timeline*, https://tinyurl.com/ymb9rn6t
- 57. Lot 1249, Rock Island Auctions Co. (Sept. 8, 2018), tinyurl.com/yurawrwx
- 58. *Model 1873 Short Rifle*, Winchester Repeating Arms, https://bit.ly/3VV6JNn (last visited May 12, 2023)
- 59. Revolver: Double Action Revolver, Firearms Hist., Tech., & Dev. (July 1, 2010), http://firearmshistory.blogspot.com/2010/07/revolver-double-actionrevolver.htm
- 60. Science And Innovation, NATO, https://tinyurl.com/yme6d4zr
- 61. Proceedings of the Virginia Assembly, 1619, in Narratives of Early Virginia, 1606-25 (Lyon Gardiner Tyler ed., 1907)
- 62. Supplemental Sur-Rebuttal Expert Report & Decl. of Colonel (Ret.) Craig Tucker, *Rupp v. Bonta*, No. 8:17-cv-00746, 2023 WL 6960601 (C.D. Cal. Feb. 24, 2023)
- 63. *Tench Coxe*, James Madison Rsch. Libr. & Info. Ctr., https://perma.cc/E4UC-8QC7 (quoting Tench Coxe in 'Remarks on the First Part of the Amendments to the Federal Constitution' under the Pseudonym 'A Pennsylvanian' in the Philadelphia Federal Gazette, June 18, 1789)
- 64. NSSF, Firearm Production in the United States (2020), https://bit.ly/3LwJvKh
- 65. NSSF, First-Time Gun Buyers Grow to Nearly 5 Million in 2020 (Aug. 24, 2020), https://bit.ly/37xFH6F
- 66. NSSF, Sport Shooting Participation in the U.S. in 2020 (2021), https://bit.ly/3sPuEQl
- 67. NSSF, 2021 Firearms Retailer Survey Report, https://bit.ly/3CXJwC1
- 68. NSSF, *Modern Sporting Rifle Comprehensive Consumer Report* (July 14, 2022), https://bit.ly/3oXjavU
- 69. NSSF, Commonly Owned: NSSF Announces Over 24 Million MSRs in Circulation (July 20, 2022)
- 70. NSSF, Firearm Production in the United States With Firearm Import and Export Data (2023), https://bit.ly/42qYo7k
- 71. Rand Corp., Effects of Assault Weapon and High-Capacity Magazine Bans on Mass-Shootings (Jan. 10, 2023), https://bit.ly/3RDN3xe
- 72. Rand Corp., *The Effects of Bans on the Sale of Assault Weapons and High-Capacity Magazines* (Jan. 10, 2023), https://bit.ly/3roOiWB

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